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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 United States of America,
10 Plaintiff/Respondent,
11 v.
12 Richard Larry Self,
13 Defendant/Movant.

No. CV13-08199-PCT-DGC (JFM)
CR10-08036-PCT-DGC

ORDER

14 Movant Richard Larry Self has filed a motion under Rule 60(b)(1) and (3), arguing
15 that the Court's previous judgment in this matter should be set aside. Even if the Court
16 were not to construe this as a second and successive § 2255 motion over which it would
17 lack jurisdiction, the motion would be untimely.

18 Rule 60(c)(1) requires that motions under Rule 60(b)(1) and (3) be filed no more
19 than one year after entry of the judgment or order challenged. The Court's order and
20 judgment in this case were entered on April 16, 2015, more than one year before this
21 motion was filed. Docs. 35, 36. The fact that Movant attempted to appeal the Court's
22 decision does not alter the one-year time limit. *The Tool Box, Inc. v. Ogden City Corp.*,
23 419 F.3d 1084, 1087 (10th Cir. 2005).

24 **IT IS ORDERED** that Movant's motion (Doc. 40) is **denied** as untimely.

25 Dated this 22nd day of November, 2016.

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David G. Campbell
United States District Judge